THE HONOURABLE SRI JUSTICE ELIPE. DHARMA RAO

W. P. NO. 17954 OF 2005

Dated: 12..08..2005.

BETWEEN:

P. Hanumanth Reddy,

S/o. P. Laxma Reddy, aged 68 years,

Residing at Pocharam Village, Patancheru Mandal,

Medak District.

….Petitioner

And

The Government of Andhra Pradesh

Represented by its Principal Secretary

Irrigation Department, Secretariat Buildings,

Hyderabad and 3 others

… Respondents

THE HONOURABLE SRI JUSTICE ELIPE. DHARMA RAO

W. P. NO. 17954 OF 2005

ORDER:

This writ petition is filed challenging the impugned order of 1st respondent in G.O.Rt.No.1214 Irrigation & CAD (General – V) Department dated 09-08-2005 as arbitrary and illegal and consequently declare that the petitioner is entitled to remove sand from his Patta Lands in Survey Nos. 7 to 10, 43, 46, 49, 73 and 75 in Pocharam Village, Patancheru Mandal, Medak District.

It is the case of the petitioner that he is the pattedar and possessor of the lands in survey Nos. 7 to 10, 43, 46, 49, 73 and 75 in Pocharam Village, Patancheru Mandal, Medak District. When the revenue officials sought to demolish the filters and the machinery installed in the said patta lands, the petitioner approached this Court by filing W.P.No.23941/2002, which was disposed of directing the petitioner to approach the respondents with appropriate application. Later, the petitioner made a representation to the respondents seeking permission for removal of sand from the land. Thereafter, the Government accorded permission under G.O.Rt.No.333, Irrigation & CAD (General.V) Department, dated
07-03-2005, to the petitioner to remove the sand subject to payment of royalty. Thereafter, the petitioner approached the 2nd respondent to issue necessary orders with regard to payment of royalty by giving representation dated 10-03-2005. In spite of the same, no orders have been passed. Therefore, the petitioner filed another writ petition in W.P.No.9633/2005 seeking a direction to the respondents 2 and 3 to implement the orders of the 1st respondent, which was disposed of on 27-04-2005 directing the respondents 2 and 3 to take appropriate decision on the representation of the petitioner within two weeks. Thereafter without issuing any notice to show cause as to why G.O.Rt.No.333 dated 07-03-2005 should not be cancelled, the impugned order has been passed. Hence the present writ petition.

Having considered the submissions made and on perusal of record, it is seen that the petitioner is the pattedar and possessor of lands in survey Nos. 7 to 10, 43, 46, 49, 73 and 75 in Pocharam Village, Patancheru Mandal, Medak District. It is also clear that as per the directions of this court, the petitioner made representations to the respondents, which were not considered and the impugned order was passed without issuing any notice or providing any opportunity to the petitioner. Therefore the same is liable to be set aside. In the above circumstances, I deem it appropriate to set aside the order as it is passed against the principles of natural justice.

Accordingly, the writ petition is allowed at the admission stage. However, it is open for the respondents that if they want to proceed against the petitioner, they must proceed as per the provisions of law. No order as to costs.

E. DHARMA RAO, J.

Dated: 12..08..2005.

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